

LEGISLATURE OF THE STATE OF IDAHO
Sixty-first Legislature First Regular Session - 2011

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 107

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

RELATING TO AQUIFER PROTECTION DISTRICTS; AMENDING SECTION 39-508, IDAHO CODE, TO REVISE PROVISIONS RELATING TO FEES, TO PROVIDE THAT FEES SHALL NOT BE CHARGED TO OWNERS OF NONDEVELOPED PROPERTIES AND TO RESTRICT THE AMOUNT OF FEES THAT A DISTRICT MAY RETAIN AT ANY TIME.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 39-508, Idaho Code, be, and the same is hereby amended to read as follows:

39-508. AQUIFER PROTECTION DISTRICT FUNDS -- FEES -- BUDGET. (1) Funds received and expended in the name of an aquifer protection district shall be budgeted, managed and audited in the same manner as funds of a county. Any such revenues and expenditures shall be accounted for separate from other county funds. The reasonable expenses of managing aquifer protection district fiscal and legal affairs are legitimate costs of district operation and use of county systems for fee collection is authorized hereby. The fiscal year for an aquifer protection district shall conform to the fiscal year for counties.

(2) Fees reasonably related to the actual cost of services rendered by an aquifer protection district may be charged to owners of land with dwelling units benefitted by the availability of water from the aquifer to be protected by the district. The maximum fee authorized per dwelling unit shall not exceed twelve dollars (\$12.00) annually. The maximum charge for nonresidential developed uses shall not exceed twice the maximum authorized residential fee, and such nonresidential fee shall be established and calculated in a manner that is roughly proportional to aquifer use or other measure of benefits derived from protection of the aquifer. Fees shall not be charged to owners of nondeveloped properties. On an annual basis, a district shall determine whether the collection of fees shall be waived, or whether the amount of fees shall be adjusted, so that a district at no time retains in excess of three hundred thousand dollars (\$300,000) of fees collected pursuant to the provisions of this section.

(3) Each fiscal year the budget and policy advisory committee shall conduct a public budgetary process, including at least one (1) public hearing concerning a proposed aquifer protection district budget, before recommending a proposed budget to the governing board. Any such recommendation shall be transmitted to the governing board prior to the date of advertising the annual county budget hearing. The budget for an aquifer protection district shall be considered by the governing board in the course of its annual budget process. An aquifer protection district shall follow the financial accountability standards and limitations applicable to counties.